PATENT COOPERATION TREAIY

From the INTERNATIONAL BUREAU

PCT	То:
NOTIFICATION OF ELECTION (PCT Rule 61.2)	Assistant Commissioner for Patents United States Patent and Trademark Office Box PCT Washington, D.C.20231 ÉTATS-UNIS D'AMÉRIQUE
Date of mailing (day/month/year) 22 November 1999 (22.11.99)	in its capacity as elected Office
International application No. PCT/EP99/01966	Applicant's or agent's file reference PG3376/PCT
International filing date (day/month/year) 24 March 1999 (24.03.99)	Priority date (day/month/year) 26 March 1998 (26.03.98)
Applicant MARRIOTT, Christopher et al	
1. The designated Office is hereby notified of its election made X in the demand filed with the International Preliminary 07 October 195 in a notice effecting later election filed with the International Preliminary 2. The election X was was not was not was not Rule 32.2(b).	Examining Authority on: 99 (07.10.99) ational Bureau on:
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer F. Baechler Telephone No.: (41-22) 338 83.38

ATENT COOPERATION TREA

	From th	e INTERNATIONAL BI	JREAU	
PCT	To:	То:		
NOTIFICATION OF THE RECORDING OF A CHANGE (PCT Rule 92bis.1 and Administrative Instructions, Section 422) Date of mailing (day/month/year) 13 September 2000 (13.09.00)	CRAWLEY, Karen Glaxo Wellcome plc Glaxo Wellcome House Berkeley Avenue Greenford Middlesex UB6 0NN ROYAUME-UNI			
Applicant's or agent's file reference		INCOORT A SIT SIGNI	FICATION	
PG3376/PCT		IMPORTANT NOTI	FICATION	
International application No. PCT/EP99/01966	1	al filing date (day/month/yearch 1999 (24.03.99)	ear)	
The following indications appeared on record concerning: X the applicant X the inventor	the agent	the commo	n representative	
Name and Address		State of Nationality	State of Residence	
MARTIN, Gary, Peter		GB	GB	
King's College London Manresa Road		Telephone No.		
London SW3 6LX United Kingdom		Facsimile No.		
٠		r adsirine 140.		
		Teleprinter No.		
2. The International Bureau hereby notifies the applicant that the	he following o	hange has been recorded o	concerning:	
the person the name X the add	Iress	the nationality	the residence	
Name and Address		State of Nationality	State of Residence	
MARTIN, Gary, Peter	-	GB	GB	
King's College London Franklin-Wilkins Building		Telephone No.		
London SE18WA United Kingdom	-	Facsimile No.		
	-	Teleprinter No.		
3. Further observations, if necessary:				
S. F. S. M. S. S. S. S. F. M. S. S. S. S. F. S.				
4. A copy of this notification has been sent to:				
X the receiving Office	Γ	the designated Offices	concerned	
the International Searching Authority		the elected Offices cond		
X the International Preliminary Examining Authority	Ë	other:	· 	
The International Bureau of WIPO	Authorized o		ļ	
34, chemin des Colombettes 1211 Geneva 20, Switzerland		Athina Nickit	as-Etienne	
Faceingila No. (41 22) 740 14 25	l <u>.</u>			

ATENT COOPERATION TREATY

	From th	e INTER	NATIONAL BU	JREAU
PCT	To:			
NOTIFICATION OF THE RECORDING OF A CHANGE (PCT Rule 92bis.1 and Administrative Instructions, Section 422) Date of mailing (day/month/year) 13 September 2000 (13.09.00)	CRAWLEY, Karen Glaxo Wellcome plc Glaxo Wellcome House Berkeley Avenue Greenford Middlesex UB6 0NN ROYAUME-UNI			
Applicant's or agent's file reference PG3376/PCT		IMPC	RTANT NOTII	FICATION
International application No. PCT/EP99/01966	l .		ate (day/month/ye 99 (24.03.99)	ar)
The following indications appeared on record concerning: X the applicant X the inventor	the ager	t	the commo	n representative
Name and Address MARRIOTT, Christopher King's College London Manresa Road London SW3 6LX United Kingdom	•	State of M GB Telephon Facsimile		State of Residence GB
		Teleprint	er No.	
2. The International Bureau hereby notifies the applicant that the	ne following	change ha	s been recorded c	oncerning:
the person the name X the add	lress [the na	tionality	the residence
Name and Address MARRIOTT, Christopher King's College London Franklin-Wilkins Building		State of N GB Telephon	lationality e No.	State of Residence GB
London SE18WA United Kingdom		Facsimile No.		
		Teleprint	er No.	
3. Further observations, if necessary:				
4. A copy of this notification has been sent to:				
X the receiving Office	[the de	signated Offices	concerned
the International Searching Authority	ĺ	X the el	ected Offices cond	cerned
X the International Preliminary Examining Authority	[other		
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized		Athina Nickit	as-Etienne
Faccimile No.: (41.33) 740.14.35	Telephone	No - //11.25)\	

ATENT COOPERATION TREATY

	From th	e INTERNATION	NAL BUREAU
PCT			
OF A CHANGE Glax Glax (PCT Rule 92bis.1 and Administrative Instructions, Section 422) Gree Mide		CRAWLEY, Karen Glaxo Wellcome plc Glaxo Wellcome House Berkeley Avenue Greenford Middlesex UB6 0NN ROYAUME-UNI	
Applicant's or agent's file reference		INADORTANT	NOTIFICATION
PG3376/PCT		HAILOUINIAI	140 HACAHOIA
International application No.	F	n <mark>al filing date</mark> (day/m	* '
PCT/EP99/01966	24 1	larch 1999 (24.00	3.33)
The following indications appeared on record concerning: The applicant The inventor The inventor The inventor	the agen	t the	common representative
Name and Address		State of Nationality	· •
ZENG, Xian, Ming King's College London Manresa Road		CN Telephone No.	GB
London SW3 6LX			
United Kingdom		Facsimile No.	
	4	Teleprinter No.	
2. The International Bureau hereby notifies the applicant that the	ne following	change has been red	corded concerning:
the person the name X the add	lress [the nationality	the residence
Name and Address		State of Nationality	y State of Residence GB
ZENG, Xian, Ming King's College London Franklin-Wilkins Building	:	CN Telephone No.	
London SE18WA		•	
United Kingdom		Facsimile No.	
	•	Teleprinter No.	
		· 	
3. Further observations, if necessary:			
4. A copy of this notification has been sent to:		<u>. </u>	
X the receiving Office	Г	the designated	Offices concerned
the International Searching Authority	Ì	X the elected Office	ces concerned
X the International Preliminary Examining Authority		other:	
	Authorized	officer	
The International Bureau of WIPO 34, chemin des Colombettes			Nickitas-Etienne
1211 Geneva 20, Switzerland	Telephone	Na + 1/11,22) 338 83 3	38

ENT COOPERATION TREAT

07/646111

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To:

From the INTERNATIONAL BUREAU

10:

NOTIFICATION OF THE RECORDING CRAWLEY, Karen Glaxo Wellcome plc OF A CHANGE Glaxo Wellcome House (PCT Rule 92bis.1 and Berkeley Avenue Greenford Administrative Instructions, Section 422) Middlesex UB6 0NN **ROYAUME-UNI** Date of mailing (day/month/year) 03 November 2000 (03.11.00) Applicant's or agent's file reference IMPORTANT NOTIFICATION PG3376/PCT International application No. International filing date (day/month/year) PCT/EP99/01966 24 March 1999 (24.03.99) 1. The following indications appeared on record concerning: X the applicant X the inventor the agent the common representative Name and Address State of Nationality State of Residence ZENG, Xian, Ming King's College London Manresa Road London SW3 6LX CN GB Telephone No. United Kingdom Facsimile No.

	releprinter No.	
2. The International Bureau hereby notifies the applicant that the following the person the name X the address	ng change has been recorded the nationality	concerning: the residence
Name and Address ZENG, Xian, Ming 14 Newburgh Road Rectory Gardens Grays, Essex RM17 6UG United Kingdom	State of Nationality CN Telephone No. Facsimile No. Teleprinter No.	State of Residence GB
3. Further observations, if necessary:		
4. A copy of this notification has been sent to: X the receiving Office the International Searching Authority X the International Preliminary Examining Authority	the designated Offices X the elected Offices conduction other:	

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Authorized officer

Athina Nickitas-Etienne

Telephone No.: (41-22) 338.83.38

Form PCT/IB/306 (March 1994)

Facsimile No.: (41-22) 740.14.35

PATENT COOPERATION TREATY 2 1 JUL 2000

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's o	r ager	nt's file reference		See Notification of Transmittal of International
PG3376/p	ct		FOR FURTHER ACTION	Preliminary Examination Report (Form PCT/IPEA/416)
International	applic	ation No.	International filing date (day/mont	h/year) Priority date (day/month/year)
PCT/EP99	9/019	966	24/03/1999	26/03/1998
International A61K9/00		nt Classification (IPC) or na	tional classification and IPC	
Applicant				
GLAXO G	ROL	JP LIMITED		
1. This in and is	terna trans	tional preliminary exam mitted to the applicant a	ination report has been prepare according to Article 36.	d by this International Preliminary Examining Authority
2. This R	EPO	RT consists of a total of	5 sheets, including this cover	sheet.
be	en a	mended and are the bas	d by ANNEXES, i.e. sheets of t sis for this report and/or sheets 07 of the Administrative Instruct	he description, claims and/or drawings which have containing rectifications made before this Authority tions under the PCT).
These	anne	exes consist of a total of	f sheets.	
3. This re	_		ating to the following items:	
1	N C	Basis of the report		
ll 		•	-nining with regard to povolty is	nventive step and industrial applicability
				ivertifive step and industrial applicability
V V	⊠	Lack of unity of invention Reasoned statement uncitations and explanation		o novelty, inventive step or industrial applicability;
Vı Vı		Certain documents cit		
VII		Certain defects in the i	international application	
VIII			on the international application	
Date of sub	missio	on of the demand	Date of	of completion of this report
07/10/19	99		19.07	2000
		g address of the internation ining authority:	al Autho	rized officer
)	D-86	ppean Patent Office 0298 Munich +49 89 2399 - 0 Tx: 52365		ner, A
		+49 89 2399 - 4465	•	hone No. +49 89 2399 8408

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP99/01966

I.	Basis	of th	report
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1. This report has been drawn on the basis of (substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.): Description, pages: as originally filed 1-28 Claims, No.: as originally filed 1-18 Drawings, sheets: as originally filed 1/3-3/3 2. The amendments have resulted in the cancellation of: ☐ the description, pages: Nos.: ☐ the claims,

considered to go beyond the disclosure as filed (Rule 70.2(c)):

3. This report has been established as if (some of) the amendments had not been made, since they have been

4. Additional observations, if necessary:

sheets:

the drawings,

INTERNATIONAL PRELIMINARY **EXAMINATION REPORT**

International application No. PCT/EP99/01966

- V. Reasoned stat ment und r Articl 35(2) with r gard to n velty, inventiv step r industrial applicability; citations and explanations supporting such statement
- 1. Statement

Novelty (N)

Yes:

Claims 1-18

No:

Claims

Inventive step (IS)

Claims 1-18 Yes:

No: Claims

Industrial applicability (IA)

Yes:

Claims 1-18

No:

Claims

2. Citations and explanations

see separate sheet

ad section V:

- The present application concerns a process for manufacturing crystals with 1). particular characteristics such as controled surface-smoothness, size, shape and degree of crystallinity. Said crystals with a particularly well defined morphology results find use in the manufacture of pharmaceutical inhaled formulations exhibiting advantageous properties. Said crystalls are manufactured by a crystallisation process as depicted under steps (a)-(e) in claim 1.
- With respect to the present subject-matter the following documents have been 2). researched and considered:
- D1. WO-A-9 505 805, relates to a process for providing a stable crystallinic form of a fine-grained substance, comprising lactose and active ingredients such as salbutamol or ipratropium (cf. abstract and page 6, lines 16-31 and page 7, lines 4-36). On page 4, lines 23-36 and page 5, lines 1-14, D1 describes the process of how to obtain such stable crystals. D1, however, does nowhere refer to a crystallisation method whereby the viscosity of the crystallisation medium is adjusted as presently depicted.
- D2. WO-A-9 623 485, concerns the method of producing a powder for use in dry powder inhalers (cf. page 24, last line bridging with page 25, lines 1-14). Said powder includes active particles (cf. page 18, lines 15-18) and carrier particles (lactose) for carrying the active particles and further includes also additive material (a glidant) which is attached to the surfaces of the carrier particles in order to promote the release of the hereto attached active particles. D2, however, is silent on a crystallisation process as presently claimed and compositions containing such crytstals.
- D3. WO-A-9 638 153, provides amorphous stable solid dispersions of misoprostol, using excipients like carbopol in an amorphous state and lactose in crystalline form (cf. page 3, "Summary of the invention", lines 1-26, page 4, lines 12-34, and page 5, first line).

- D4, International Journal of Pharmaceutics, 116(1), march 1995, pp. 113-118, G. Buckton et al., studies the use of isothermal microcalorimetry in the change of crystallinity of spray-dried salbutamol sulfate (cf. abstract). D4 shows that salbutamol sulfate recrystallizes in water vapour by a cooperative process and compares salbutamol recrystallization with data for the recrystallization of spraydried lactose. There is however, no reference to a crystallization process as presently depicted.
- A crystallization process as defined in steps (a)-(e) of claim 1 is nowhere 3). disclosed nor suggested in the cited documents. As consequence the skilled man in art would by no means be led to the crystals resulting from said process and to the inhaler formulations manufactured by way of said process. In the light of the above cited documents the subject-matter of the present set of claims has to be recognised both novel and inventive pursuant to Arts. 33(2) and 33(3) PCT.

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference		of Transmittal of International Search Report			
PG3376/pct	ACTION (FORM PC 1715AV2	20) as well as, where applicable, item 5 below.			
International application No.	International filing date (day/month/year)	(Earliest) Priority Date (day/month/year)			
PCT/EP 99/01966	24/03/1999	26/03/1998			
Applicant					
GLAXO GROUP LIMITED					
This International Search Report has been according to Article 18. A copy is being tra	n prepared by this International Searching Auth ansmitted to the International Bureau.	nority and is transmitted to the applicant			
This International Search Report consists X It is also accompanied by	of a total of3 sheets. a copy of each prior art document cited in this	report.			
Basis of the report					
	international search was carried out on the bas ess otherwise indicated under this item.	sis of the international application in the			
the international search w Authority (Rule 23.1(b)).	as carried out on the basis of a translation of the	he international application furnished to this			
was carried out on the basis of the		sternational application, the international search			
filed together with the inte	rnational application in computer readable for	n.			
	furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readble form.				
	· ·	and the bound the displacers in the			
	sequently furnished written sequence listing d s filed has been furnished.	oes not go beyond the disclosure in the			
the statement that the info furnished	ormation recorded in computer readable form is	s identical to the written sequence listing has been			
2. Certain claims were fou	nd unsearchable (See Box I).				
3. Unity of invention is lac	king (see Box II).				
_					
4. With regard to the title,					
the text is approved as su	bmitted by the applicant.				
The text has been establis IMPROVED CRYSTAL STRUG	hed by this Authority to read as follows: CTURE				
5. With regard to the abstract,					
	bmitted by the applicant. hed, according to Rule 38.2(b), by this Authori date of mailing of this international search rep				
6. The figure of the drawings to be publ	ished with the abstract is Figure No.				
as suggested by the appli	cant.	X None of the figures.			
because the applicant fail	ed to suggest a figure.				
because this figure better	characterizes the invention.				

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WORLD INTELLECTUAL PROPERTY ORGANIZATION International Bureau



INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification ⁶: A61K 9/00, 9/12, 31/135

(11) International Publication Number:

WO 99/48475

(43) International Publication Date: 30 September 1999 (30.09.99)

(21) International Application Number:

PCT/EP99/01966

A1

(22) International Filing Date:

24 March 1999 (24.03.99)

(30) Priority Data:

9806477.7

26 March 1998 (26.03.98)

GB

(71) Applicant (for all designated States except US): GLAXO GROUP LIMITED [GB/GB]; Glaxo Wellcome House, Berkeley Avenue, Greenford, Middlesex UB6 ONN (GB).

(72) Inventors; and

- (75) Inventors/Applicants (for US only): MARRIOTT, Christopher [GB/GB]; King's College London, Manresa Road, London SW3 6LX (GB). MARTIN, Gary, Peter [GB/GB]; King's College London, Manresa Road, London SW3 6LX (GB). ZENG, Xian, Ming [CN/GB]; King's College London, Manresa Road, London SW3 6LX (GB).
- (74) Agent: CRAWLEY, Karen; Glaxo Wellcome plc, Glaxo Wellcome House, Berkeley Avenue, Greenford, Middlesex UB6 0NN (GB).

(81) Designated States: AE, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZA, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SL, SZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).

Published

With international search report.

Before the expiration of the time limit for amending the claims and to be republished in the event of the receipt of amendments.

(54) Title: IMPROVED CRYSTAL STRUCTURE

(57) Abstract

A process for the production of crystals with controlled surface smoothness, size, shape and degree of crystallinity, compositions comprising such crystals, and the use of certain crystals, especially lactose, lactose monohydrate, fluticasone propionate, salmeterol xinafoate, salbutamol sulphate or ipratropium bromide in pharmaceutical compositions.

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CZ	Czech Republic	LC	Saint Lucia	RU	Russian Federation		
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DK	Denmark	LK	Sri Lanka	SE	Sweden		•
EE	Estonia	LR	Liberia	SG	Singapore		



Inc. .ational Application No PCT/EP 99/01966

A. CLASSIFICATION OF SUBJECT MATTER
IPC 6 A61K9/00 A61K9/12

A61K31/135

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT			
Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.	
Y	WO 95 05805 A (ASTRA AB ;BRIGGNER LARS ERIK (SE); TROFAST EVA ANN CHRISTIN (SE)) 2 March 1995 (1995-03-02) *cf. abstract, page 1,1st para., page 4, lines 23-38 bridging with page 5, lines 1-14, page 6, lines 21-31 and page 7, lines 4-15*	1-18	
Y	WO 96 23485 A (CO ORDINATED DRUG DEV;STANIFORTH JOHN NICHOLAS (GB)) 8 August 1996 (1996-08-08) *cf. abstract, page 4, lines 9-26, page 24, last line bridging with page 25, lines 1-14, claims*	1-18	

Y Further documents are listed in the continuation of box C.	X Patent family members are listed in annex.
"A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier document but published on or after the international filing date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention
"O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed	cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art. "&" document member of the same patent family
Date of the actual completion of the international search 30 July 1999	Date of mailing of the international search report 17/08/1999
Name and mailing address of the ISA European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo ni, Fax: (+31-70) 340-3016	Authorized officer Stoltner, A

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Int...iational Application No
PCT/EP 99/01966

		PC1/EP 99/01966	
C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT			
Category °	Citation of document, with indication,where appropriate, of the relevant passages	Relevant to claim No.	
Α	WO 96 38153 A (SEARLE & CO; KARARLI TUGRUL T (US); OTTO DAVID (US); PENZOTTI STAN) 5 December 1996 (1996-12-05) *cf. abstract and page 3, "summary of the invention", lines 1-26, page 4, lines 12-34 and page 5, first line*	1-18	
A	G. BUCKTON ET AL.: "The use of isothermal microcalorimetry in the study of changes in crystallinity of spray-dried salbutamol sulfate" INTERNATIONAL JOURNAL OF PHARMACEUTICS, vol. 116, no. 1, 14 March 1995 (1995-03-14), pages 113-118, XP002110839 *cf. abstract, page 116, left col., 2nd para. and right col.,lines 1-12*	1-18	
	,		

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Information on patent family members

PCT/EP 99/01966

		· , 			
Patent document cited in search report		Publication date		Patent family member(s)	Publication date
WO 950580)5 A	02-03-1995	AU	681186 B	21-08-1997
			AU	76 26494 A	21-03-1995
			BR	9407320 A	16-04-1996
			CN	1133004 A	09-10-1996
			CN	1195523 A	14-10-1998
			CZ	9600544 A	15-05-1996
			EP	0717616 A	26-06-1996
			FI	960869 A	26-02-1996
			HU	74000 A	28-10-1996
			JP	9 50 1930 T	25-02-1997
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			NO	973502 A	30-09-1997
			NZ	300654 A	25-02-1999
		,	PL	321572 A	08-12-1997
			SK	103697 A	14-01-1998
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